Application No.: 10/698,016   **Docket No.: 200309655-02US (1509-453)**

AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawings include changes to Figures 2 and 4 to correct the spelling of "node" and to add the reference numeral 412, respectively.

11

Application No.: 10/698,016   **Docket No.: 200309655-02US (1509-453)**

REMARKS

The specification has been amended, without adding new matter, to add a cross-reference to the foreign application relied on for priority, for clarity and to correct a few minor errors of a clerical nature.

To expedite prosecution, claims 7, 12, 16, 19-23, 25 and 27 have been canceled and the subject matter of claim 7 has been combined with claim 1, the subject matter of claim 12 has been combined with claim 9, the subject matter of claim 16 has been combined with claim 15, the subject matter of claims 19 and 20 has been combined with claim 18, the subject matter of claim 25 has been combined with claim 24, and the subject matter of claim 27 has been combined with claim 26.

To provide applicant with the protection to which he is deemed entitled, claims 28-31 have been added. The subject matter of claims 28-31 is discussed in paragraph 0033 of the application as filed and is not discussed in the references of record.

Many of the claims have been amended to eliminate the requirement for separate network and discovery servers, by now requiring a network server arrangement or by requiring a network server module and a discovery server module. In this regard, paragraph 0034 indicates the network server and discovery server can be implemented on the same server computer. The claim language now employed covers the embodiment discussed in paragraph 0034, as well as the embodiment wherein the network and discovery servers are different servers.

12

<u>**Application No.: 10/698,016**</u>   **Docket No.: 200309655-02US (1509-453)**

The claims have also been amended for clarity to overcome the objection to claim 20, that has now been incorporated into claim 18, and to overcome the rejections of claims 15-20 based on 35 USC 101 and 35 USC 112, paragraph 2.

The previous rejection of claims 7, 12, 16 and 25 (the subject matter of which is now respectively incorporated in claims 1, 9, 15 and 24) as being unpatentable over Sistanizadeh et al., US Patent 5,790,548, in view of Osanai et al., US Patent Publication Number 2003/0002075, was incorrect. In this rejection, the office action admits Sistanizadeh et al. fails to disclose the requirement of transmitting a discovery request only if a subsequent access request is separated by at least a predetermined amount of time from a previous request by the same node that made the subsequent request. Because the reliance in the office action on Osanai et al. for this feature is contrary to the portion of the disclosure of Sistanizadeh et al. relied on in the office action, the rejection is incorrect. Column 12, lines 27-30 of Sistanizadeh et al. indicates a DNS server knows that a particular address is assigned to PC 710 for a particular length of time assigned by a DHCP server. At the termination of that time, the assignment expires in the absence of another update. In other words, in Sistanizadeh et al. if the interval between the initial request and a subsequent request exceeds a predetermined time the authentication is removed. Applicant's amended claims 1, 9, 15 and 24 indicate just the opposite, that is, that the discovery initiation component generates the discovery request only if at least a predetermined amount of time has passed since a previous discovery request for the network node has been made.

13

<u>**Application No.: 10/698,016**</u>   <u>**Docket No.: 200309655-02US (1509-453)**</u>

The rejection is also improper because Osanai et al. has nothing to do with the subject matter of Figure 7 of Sistanizadeh et al.. Osanai et al. is concerned with remotely monitoring an image processing apparatus to determine an optimum connection interval for inquiries from a monitoring apparatus. A unit notifies the monitoring apparatus of the optimum value, to request the monitoring apparatus to update an interval setting that is kept by the monitoring apparatus according to the connection conditions of the monitoring apparatus with the network image processing apparatus; see paragraphs 0004, 0009 and 0010 of Osanai et al.. In contrast, Figure 7 of Sistanizadeh et al. is concerned with assigning addresses to PC 710 for a length of time assigned by a DHCP server, such that at the termination of that time, the address assignment expires in the absence of another update; see column 12, lines 21-30 of the Sistanizadeh et al. Because of this dichotomy in the subject matter to which Sistanizadeh et al. and Osanai et al. are concerned, one of ordinary skill in the art who is interested in the processes Sistanizadeh et al. discusses in connection with Figure 7 thereof would not turn to Osanai et al.. It is apparent that the examiner has merely cast about to find bits and pieces of applicant's former claims 7, 12, 16 and 25 in disparate references having nothing to do with each other and has used hindsight to combine the references. Combining references in this matter is clearly improper.

Claim 17 is allowable with claim 15, upon which claim 17 now depends, for the same reasons advanced supra with regard to claims 1, 9, 15 and 24.

The rejection of claims 8 (that depends on claim 1) and 27 (the subject matter which is now incorporated in claim 26) as being obvious as result of Sistanizadeh et al.

14

<u>**Application No.: 10/698,016**</u>   **Docket No.: 200309655-02US (1509-453)**

and Dawes et al., US Patent 6,411,997, is incorrect. The office action admits Sistanizadeh et al. does not disclose polling a network node to discover at least one of network topology, network node type, network node status and network node configuration information.
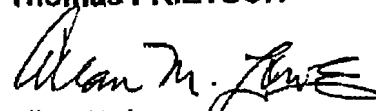
One of ordinary skill in the art to which Figure 7 of Sistanizadeh et al. is concerned would not have considered the Dawes et al. reference for the feature of polling a network node to discover network node status. Dawes et al. is concerned with a method of determining the topology of a network of objects to properly manage networks for accurate diagnosis and fault correction; see column 1, lines 12-21. Sistanizadeh et al. shows no interest whatsoever in topology determination in connection with Figure 7. Instead, as pointed out above, Figure 7 of Sistanizadeh et al. is concerned with assigning addresses to PC 710 for a length of time assigned by a DHCP server, such that at the termination of that time, the address assignment expires in the absence of another update. Because Figure 7 of Sistanizadeh et al. and the Osanai et al. disclosure are concerned with entirely different objectives, one of ordinary skill in the art who is interested in the processes Sistanizadeh et al. discusses in connection with Figure 7 thereof would not turn to Dawes et al. It is again apparent that the examiner has merely cast about to find bits and pieces of applicant's claim 8 and former claim 27 in references having nothing to do with each other and has used hindsight to combine the references improperly.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are respectfully requested and deemed in order.

15

<u>Application No.: 10/698,016</u>   <u>Docket No.: 200309655-02US (1509-453)</u>

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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16